

**UNITED STATES DISTRICT COURT**

# DISTRICT OF NEVADA

Wayne Wolf,

Case No.: 2:18-cv-00139-JAD-NJK

Plaintiff

## **Order Granting Unopposed Motion to Dismiss**

Nevada Property 1, LLC dba The Cosmopolitan  
of Las Vegas.

[ECF No. 6]

Defendant

In this employment action, Wayne Wolf sues his former employer, Nevada Property 1, LLC, dba The Cosmopolitan of Las Vegas, for age discrimination, retaliation, intentional and negligent infliction of emotional distress, and wrongful termination in violation of public policy, after he was demoted and ultimately terminated from his position as Casino and Hotel Credit Manager.<sup>1</sup> Nevada Property filed a motion to dismiss on March 7, 2018, arguing that Wolf's age-discrimination claim is untimely because he filed his charge with the EEOC after the 300-day deadline had passed; his retaliation claim is barred because he did not exhaust his administrative remedies; and he has failed to plead facts to support any other claim.<sup>2</sup>

Wolf had until March 21, 2018, to oppose the motion to dismiss.<sup>3</sup> He did not file an opposition or move to extend his deadline to do so. Local Rule 7-2(d) states that “The failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney’s fees, constitutes a consent to the granting of the motion.” I construe Wolf’s failure to oppose this motion as his consent to granting it. So, good cause appearing,

<sup>1</sup> ECF No. 1.

2 ECF No. 6.

<sup>3</sup> See ECF No. 6 (minute entry).

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2 IT IS HEREBY ORDERED that the Motion to Dismiss [ECF No. 6] is GRANTED;  
3  
4 **ALL CLAIMS ARE DISMISSED; the 4/30/18 hearing on the motion and the 5/31/18 Early  
Neutral Evaluation session are VACATED as moot; and the Clerk of Court is directed to  
CLOSE THIS CASE.**

5 Dated this 3rd day of April, 2018.

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10 U.S. District Judge Jennifer A. Dorsey